

Docket No.: 21405 US (C038435/0185664)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tatsuo HOSHINO *et al.*) Examiner: Not Yet Assigned
Serial No.: 10/528,871) Art Unit: Not Yet Assigned
Filed: March 23, 2005)
For: **ASTAXANTHIN PRODUCTION USING**)
FED-BATCH FERMENTATION)
PROCESS BY PHAFFIA)
RHODOZYMA)

New York, New York
September 27, 2005

**RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 U.S.C. § 371**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. §371 dated August 9, 2005 (a copy of which is attached hereto as Exhibit 1) for the above-identified application, applicant submits herewith the following:

1. an executed Declaration and Power of Attorney in compliance with Rule 37 CFR §1.497(a) and (b) (Exhibit 2); and
2. a check in the amount of \$130.00 to cover the surcharge for providing the oath or declaration later than 30 months from the priority date (See 37 CFR §1.492 (e)).

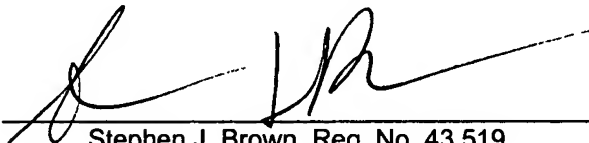
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If our check is missing or otherwise insufficient, or if any additional fees are required, the Commissioner is authorized to charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this communication is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 27, 2005.


Stephen J, Brown, Reg. No. 43,519

Respectfully submitted,

By: 
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UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------|-----------------------|--------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/528,871 | Tatsuo Hoshino | 21405 US C038435/0185664 |

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/EP03/10293 | |
| I.A. FILING DATE | PRIORITY DATE |
| 09/16/2003 | 09/27/2002 |

Stephen M Haracz
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C38435/185664
 DSN - Doc 100-121

AUG 16
 10011385

CONFIRMATION NO. 9168
 371 FORMALITIES LETTER

 OC000000016719680

Date Mailed: 08/09/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/23/2005
- Copy of the International Search Report filed on 03/23/2005
- Copy of IPE Report filed on 03/23/2005
- Information Disclosure Statements filed on 03/23/2005
- U.S. Basic National Fees filed on 03/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,

WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|--------------------------|
| 10/528,871 | PCT/EP03/10293 | 21405 US C038435/0185664 |

FORM PCT/DO/EO/905 (371 Formalities Notice)